

NATHANIEL H. HOOE.

[To accompany bill H. R. No. 602.]

MARCH 2, 1838.

Mr. CHAPMAN, from the Committee on the Public Lands, made the following

REPORT:

The Committee on the Public Lands, to which has been referred the petition of Nathaniel H. Hooe, of King George county, Virginia, report:

The petitioner states that, in the year 1833, he placed under the control of his agent, William H. Harrison, a parcel of hands, with a view of commencing the settlement of a plantation in the territory acquired from the Choctaw Indians in Alabama; that his agent accordingly made an improvement on, and cultivated a part of, the southeast quarter of section seventeen, township twenty-four, range three west, in the Tuscaloosa land district, during that year, and has continued the possession and cultivation thereof up to the present time, for the exclusive benefit of the petitioner. Under the act of June 19, 1834, for the benefit of occupants on the public lands, application was made at the land office at Tuscaloosa by said agent, claiming the benefit of that law for petitioner, and the facts as above stated were established by proof; and further, that there was no adverse claim to said quarter section, nor any person cultivating thereon, except that he, the said Harrison, had a small part in his field, but set up no claim on that account. On this evidence petitioner was permitted by the register and receiver at Tuscaloosa, through his agent, to enter the land in November, 1834, the purchase-money paid, and a certificate issued accordingly. On a return of the testimony in this case to the General Land Office, without any adverse claimant or other person complaining, as far as can be seen from the papers, the acting Commissioner, on the 15th November, 1836, re-examined the testimony, and undertook to cancel the certificate, and directed the money to be refunded to the petitioner, and the land resold.

There being no adverse claimant to the land described, your committee do not consider it necessary to examine into the propriety of the acting Commissioner's reinvestigation, or the correctness of his decision on the several points made in this case; but rather as an application to Congress by petitioner to grant him the land on the certificate he obtained in 1834, under the equitable circumstances of the case. Waiving, then, the ques-

tion as to the legal right of petitioner to enter the land under the law of June 19, 1834, on the proof offered; the fact of that entry having been made, whether rightfully or not, gave him such a title, though inchoate as to encourage him to make valuable improvements on the land, that unless some other adverse claim were set up, it would be impolitic not to allow him to hold it. In examining the course of legislation on this subject, it is found that claims less equitable have been sufficient to authorize special pre-emptions; the petitioner, in effect, asks nothing more. The committee believe, therefore, the prayer of the petitioner ought to be granted, and report a bill accordingly.

Mr. LAYMAN, from the Committee on the Public Lands, made the following

REPORT:

The Committee on the Public Lands, to which has been referred the petition of Nathaniel H. Hoot, of King George county, Virginia, report:

The petitioner states that in the year 1833, he placed under the control of his agent, William H. Harrison, a parcel of land, with a view of causing the settlement of a plantation in the territory acquired from the Government in Alabama; that his agent accordingly made an improvement on, and cultivated a part of, the southeast quarter of section twenty-two, township twenty-four, range three west, in the Territory of Louisiana, during that year, and has continued the possession and cultivation thereof up to the present time, for the exclusive benefit of the petitioner. Under the act of June 16, 1834, for the benefit of occupants on public lands, application was made at the land office at Tuscaloosa, by said agent, claiming the benefit of that law for petitioner, and the facts stated were established by proof; and further, that there was no other claim to said quarter section, nor any person cultivating the same, except that the said Harrison had a small part in his field, but no claim on that account. On this evidence, through his agent, petition by the petitioner and receiver at Tuscaloosa, through his agent, a return of the land in November, 1834, the purchase-money paid, and a certificate issued accordingly. On a return of the testimony in this case to the General Land Office, without any adverse claimant or other person complaining, as far as can be seen from the papers, the acting Commissioner, on the 13th November, 1836, re-examined the testimony, and undertook to cancel the certificate, and directed the money to be returned to the petitioner, and the land sold.

There being no adverse claimant to the land described, your committee do not consider it necessary to examine into the propriety of the acting Commissioner's reinvestigation, or the correctness of his decision on the several points made in this case; but rather as an application to Congress by petitioner to grant him the land on the certificate he obtained in 1834, under the equitable circumstances of the case. Waiving, then, the pur-